

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

MARTIN MILLER)	
Claimant)	
VS.)	
)	Docket No. 180,688
CLARKLIFT OF KANSAS, INC.)	
Respondent)	
AND)	
)	
JOHN DEERE INSURANCE CO.)	
Insurance Carrier)	
AND)	
)	
KANSAS WORKERS COMPENSATION FUND)		

ORDER

ON the 23rd day of November, 1993, the application of the respondent for review by the Workers Compensation Appeals Board of an award entered by Administrative Law Judge John D. Clark on October 5, 1993, came regularly on for oral argument by telephone conference.

APPEARANCES

Claimant appeared by and through his attorney, James B. Zongker, Wichita, Kansas. Respondent and insurance carrier appeared by and through their attorney, Gary A. Winfrey, Wichita, Kansas. The Kansas Workers Compensation Fund appeared not. There were no other appearances.

This is an application for review filed by the respondent from a preliminary hearing order granting claimant's request for a change in the authorized treating physician.

ISSUES

(1) Did the Administrative Law Judge exceed his jurisdiction in granting a change of the claimant's authorized treating physician from Dr. Eyster to Dr. Anthony G.A. Pollock?

RECORD

The record in this case consists of the documents on file with the Division of Workers Compensation. The record does not contain a transcript of the preliminary hearing as no record was made of this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for purposes of preliminary hearing, the Appeals Board finds as follows:

(1) The Administrative Law Judge has the authority pursuant to 1993 Session Laws of Kansas, Chapter 286, Section 29(c)(1), to appoint some other health care provider for an injured employee upon the finding that the services of the health care provider furnished by the employer and rendered on behalf of the injured employee are not satisfactory.

(2) Based on the record provided, the Appeals Board finds that the Administrative Law Judge did not exceed his jurisdiction in this case and therefore this application for review is dismissed.

WHEREFORE, it is the finding, decision and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark, dated October 5, 1993, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of December, 1993.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

cc: John D. Clark, Administrative Law Judge
James B. Zongker, P.O. Box 47370, Wichita, Kansas 67201-7370
Gary A. Winfrey, 200 West Douglas, 6th Floor, Wichita, Kansas 67202
Orvel Mason, Home National Bank Bldg., Suite 220, P.O. Box 739, Arkansas City, Kansas 67005
George Gomez, Director